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(Original Signature of Member)

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. BOEHLERT (for himself, [see attached list of cosponsors]) introduced the following bill; which was referred to the Committee on

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\_\_\_\_\_

**A BILL**

To provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*



1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Construction  
3 Safety Team Act”.

4 **SEC. 2. NATIONAL CONSTRUCTION SAFETY TEAMS.**

5 (a) ESTABLISHMENT.—The Director of the National  
6 Institute of Standards and Technology (in this Act re-  
7 ferred to as the “Director”) is authorized to establish Na-  
8 tional Construction Safety Teams for deployment within  
9 48 hours after events causing the failure of a building or  
10 buildings that has resulted in substantial loss of life or  
11 that posed significant potential for substantial loss of life.  
12 The Director shall promptly publish in the Federal Reg-  
13 ister notice of the establishment of each National Con-  
14 struction Safety Team.

15 (b) PROCEDURES.—

16 (1) DEVELOPMENT.—Not later than 3 months  
17 after the date of the enactment of this Act, the Di-  
18 rector, in consultation with the United States Fire  
19 Administration and other appropriate Federal agen-  
20 cies, shall develop procedures for the establishment  
21 and deployment of National Construction Safety  
22 Teams. The Director shall update such procedures  
23 as appropriate. Such procedures shall include  
24 provisions—

25 (A) regarding conflicts of interest related  
26 to service on the Team;



1 (B) defining the circumstances under  
2 which the Director will establish and deploy a  
3 National Construction Safety Team;

4 (C) prescribing the appropriate size of Na-  
5 tional Construction Safety Teams;

6 (D) guiding the disclosure of information  
7 under section 8;

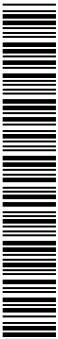
8 (E) guiding the conduct of investigations  
9 under this Act;

10 (F) identifying, and prescribing appro-  
11 priate conditions for the provision by the Direc-  
12 tor of, additional resources and services Na-  
13 tional Construction Safety Teams may need;

14 (G) to ensure that investigations under  
15 this Act do not impede and are coordinated  
16 with any search and rescue efforts being under-  
17 taken at the site of the building failure;

18 (H) for regular briefings of the public on  
19 the status of the investigative proceeding and  
20 findings;

21 (I) guiding the National Construction  
22 Safety Teams in moving and the preservation of  
23 evidence as described in section 5(a)(4), (b)(2),  
24 and (d)(4);



1 (J) providing for coordination with Fed-  
2 eral, State, and local entities that may sponsor  
3 research or investigations of building failures,  
4 including research conducted under the Earth-  
5 quake Hazards Reduction Act of 1977; and

6 (K) regarding such other issues as the Di-  
7 rector considers appropriate.

8 (2) PUBLICATION.—The Director shall publish  
9 promptly in the Federal Register final procedures,  
10 and subsequent updates thereof, developed under  
11 paragraph (1).

12 **SEC. 3. COMPOSITION OF TEAMS.**

13 National Construction Safety Teams shall be led by  
14 an individual named by the Director. National Construc-  
15 tion Safety Team members shall include at least 1 em-  
16 ployee of the National Institute of Standards and Tech-  
17 nology and shall include other experts who are not employ-  
18 ees of the National Institute of Standards and Technology,  
19 who may include private sector experts, university experts,  
20 representatives of professional organizations with appro-  
21 priate expertise, and appropriate Federal, State, or local  
22 officials.

23 **SEC. 4. FUNCTIONS OF TEAMS.**

24 National Construction Safety Teams shall—



1 (1) conduct investigations to establish the likely  
2 technical cause or causes of the building failure;

3 (2) evaluate the technical aspects of evacuation  
4 and emergency response procedures;

5 (3) recommend specific improvements to build-  
6 ing standards, codes, and practices based on the  
7 findings made pursuant to paragraphs (1) and (2);  
8 and

9 (4) recommend research and other appropriate  
10 actions needed to improve the structural safety of  
11 buildings, and improve evacuation and emergency re-  
12 sponse procedures, based on the findings of the in-  
13 vestigation.

14 **SEC. 5. AUTHORITIES.**

15 (a) ENTRY AND INSPECTION.—In investigating a  
16 building failure under this Act, members of a National  
17 Construction Safety Team, and any other person author-  
18 ized by the Director to support a National Construction  
19 Safety Team, on display of appropriate credentials pro-  
20 vided by the Director, may—

21 (1) enter property where a building failure  
22 being investigated has occurred, or where building  
23 components, materials, and artifacts with respect to  
24 the building failure are located, and do anything  
25 necessary to conduct the investigation;



1 (2) inspect any record (including any design,  
2 construction, or maintenance record), process, or fa-  
3 cility related to the investigation;

4 (3) inspect and test any building components,  
5 materials, and artifacts related to the building fail-  
6 ure; and

7 (4) move such components, materials, and arti-  
8 facts as provided by the procedures developed under  
9 section 2(b)(1).

10 (b) AVOIDING UNNECESSARY INTERFERENCE AND  
11 PRESERVING EVIDENCE.—An inspection, test, or other  
12 action taken by a National Construction Safety Team  
13 under this section shall be conducted in a way that—

14 (1) does not interfere unnecessarily with serv-  
15 ices provided by the owner or operator of the build-  
16 ing components, materials, or artifacts, property,  
17 records, process, or facility; and

18 (2) to the maximum extent feasible, preserves  
19 evidence related to the building failure, consistent  
20 with the ongoing needs of the investigation.

21 (c) COORDINATION.—

22 (1) WITH SEARCH AND RESCUE EFFORTS.—A  
23 National Construction Safety Team shall not im-  
24 pede, and shall coordinate its investigation with, any



1 search and rescue efforts being undertaken at the  
2 site of the building failure.

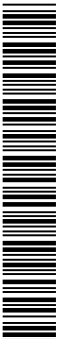
3 (2) WITH OTHER RESEARCH.—A National Con-  
4 struction Safety Team shall coordinate its investiga-  
5 tion, to the extent practicable, with qualified re-  
6 searchers who are conducting engineering or sci-  
7 entific (including social science) research relating to  
8 the building failure.

9 (3) MEMORANDA OF UNDERSTANDING.—The  
10 National Institute of Standards and Technology  
11 shall enter into a memorandum of understanding  
12 with each Federal agency that may conduct or spon-  
13 sor a related investigation, providing for coordina-  
14 tion of investigations.

15 (d) INTERAGENCY PRIORITIES.—

16 (1) IN GENERAL.—Except as provided in para-  
17 graph (2) or (3), a National Construction Safety  
18 Team investigation shall have priority over any other  
19 investigation of any other Federal agency.

20 (2) NATIONAL TRANSPORTATION SAFETY  
21 BOARD.—If the National Transportation Safety  
22 Board is conducting an investigation related to an  
23 investigation of a National Construction Safety  
24 Team, the National Transportation Safety Board in-  
25 vestigation shall have priority over the National Con-



1 construction Safety Team investigation. Such priority  
2 shall not otherwise affect the authority of the Team  
3 to continue its investigation under this Act.

4 (3) CRIMINAL ACTS.—If the Attorney General,  
5 in consultation with the Director, determines, and  
6 notifies the Director, that circumstances reasonably  
7 indicate that the building failure being investigated  
8 by a National Construction Safety Team may have  
9 been caused by a criminal act with intent to cause  
10 the building failure, the National Construction Safe-  
11 ty Team shall relinquish investigative priority to the  
12 appropriate Federal law enforcement agency. The  
13 relinquishment of investigative priority by the Na-  
14 tional Construction Safety Team shall not otherwise  
15 affect the authority of the Team to continue its in-  
16 vestigation under this Act.

17 (4) PRESERVATION OF EVIDENCE.—If a Fed-  
18 eral law enforcement agency suspects and notifies  
19 the Director that a building failure being inves-  
20 tigated by a National Construction Safety Team  
21 under this Act may have been caused by a criminal  
22 act with intent to cause the building failure, the Na-  
23 tional Construction Safety Team, in consultation  
24 with the Federal law enforcement agency, shall take





1 necessary actions to ensure that evidence of the  
2 criminal act is preserved.

3 **SEC. 6. BRIEFINGS, HEARINGS, WITNESSES, AND SUB-**  
4 **POENAS.**

5 (a) GENERAL AUTHORITY.—The Director, on behalf  
6 of a National Construction Safety Team, may conduct  
7 hearings, administer oaths, and require, by subpoena and  
8 otherwise, necessary witnesses and evidence as necessary  
9 to carry out this Act.

10 (b) BRIEFINGS.—National Construction Safety  
11 Teams shall hold regular public briefings on the status  
12 of the investigative proceeding and findings.

13 (c) PUBLIC HEARINGS.—During the course of an in-  
14 vestigation by a National Construction Safety Team, the  
15 National Institute of Standards and Technology shall, if  
16 the Director considers it to be in the public interest, hold  
17 a public hearing for the purposes of—

18 (1) gathering testimony from witnesses; and

19 (2) informing the public on the progress of the  
20 investigation.

21 (d) PRODUCTION OF WITNESSES.—A witness or evi-  
22 dence in an investigation under this Act may be sum-  
23 moned or required to be produced from any place in the  
24 United States. A witness summoned under this subsection



1 is entitled to the same fee and mileage the witness would  
2 have been paid in a court of the United States.

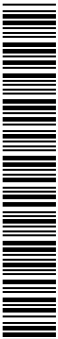
3 (e) ISSUANCE OF SUBPOENAS.—A subpoena shall be  
4 issued under the signature of the Director but may be  
5 served by any person designated by the Director.

6 (f) FAILURE TO OBEY SUBPOENA.—If a person dis-  
7 obeys a subpoena, order, or inspection notice issued by the  
8 Director or a National Construction Safety Team under  
9 this Act, the Director may bring a civil action in a district  
10 court of the United States to enforce the subpoena, order,  
11 or notice. An action under this subsection may be brought  
12 in the judicial district in which the person against whom  
13 the action is brought resides, is found, or does business.  
14 The court may punish a failure to obey an order of the  
15 court to comply with the subpoena, order, or notice as a  
16 contempt of court.

17 **SEC. 7. ADDITIONAL POWERS.**

18 In order to support National Construction Safety  
19 Teams in carrying out this Act, the Director may—

- 20 (1) procure the temporary or intermittent serv-  
21 ices of experts or consultants under section 3109 of  
22 title 5, United States Code;
- 23 (2) request the use, when appropriate, of avail-  
24 able services, equipment, personnel, and facilities of  
25 a department, agency, or instrumentality of the



1 United States Government on a reimbursable or  
2 other basis;

3 (3) confer with employees and request the use  
4 of services, records, and facilities of State and local  
5 governmental authorities;

6 (4) accept voluntary and uncompensated serv-  
7 ices;

8 (5) make contracts with nonprofit entities to  
9 carry out studies related to purpose, functions, and  
10 authorities of the National Construction Safety  
11 Teams; and

12 (6) provide nongovernmental members of the  
13 National Construction Safety Team reasonable com-  
14 pensation for time spent carrying out activities  
15 under this Act.

16 **SEC. 8. DISCLOSURE OF INFORMATION.**

17 (a) GENERAL RULE.—Except as otherwise provided  
18 in this section, a copy of a record, information, or inves-  
19 tigation submitted or received by a National Construction  
20 Safety Team shall be made available to the public on re-  
21 quest and at reasonable cost.

22 (b) EXCEPTION.—Subsection (a) does not require the  
23 release of information described by section 552(b) of title  
24 5, United States Code, or protected from disclosure by any  
25 other law of the United States.



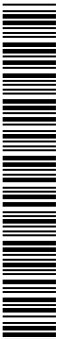
1 (c) PROTECTION OF VOLUNTARY SUBMISSION OF IN-  
2 FORMATION.—Notwithstanding any other provision of law,  
3 a National Construction Safety Team, the National Insti-  
4 tute of Standards and Technology, and any agency receiv-  
5 ing information from a National Construction Safety  
6 Team or the National Institute of Standards and Tech-  
7 nology, shall not disclose voluntarily provided safety-re-  
8 lated information if that information is not directly related  
9 to the building failure being investigated and the Director  
10 finds that the disclosure of the information would inhibit  
11 the voluntary provision of that type of information.

12 (d) PUBLIC SAFETY INFORMATION.—A National  
13 Construction Safety Team and the National Institute of  
14 Standards and Technology shall not publicly release any  
15 information it receives in the course of an investigation  
16 under this Act if the Director finds that the disclosure  
17 of that information might jeopardize public safety.

18 **SEC. 9. NATIONAL CONSTRUCTION SAFETY TEAM REPORT.**

19 Not later than 90 days after completing an investiga-  
20 tion, a National Construction Safety Team shall issue a  
21 public report which includes—

22 (1) an analysis of the likely technical cause or  
23 causes of the building failure investigated;



1 (2) technical recommendations for changes to  
2 or the establishment of evacuation and emergency  
3 response procedures;

4 (3) recommended specific improvements to  
5 building standards, codes, and practices; and

6 (4) recommendations for research and other ap-  
7 propriate actions needed to help prevent future  
8 building failures.

9 **SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECH-**  
10 **NOLOGY ACTIONS.**

11 After the issuance of a public report under section  
12 9, the National Institute of Standards and Technology  
13 shall comprehensively review the report and, working with  
14 the United States Fire Administration and other appro-  
15 priate Federal and non-Federal agencies and  
16 organizations—

17 (1) conduct, or enable or encourage the con-  
18 ducting of, appropriate research recommended by  
19 the National Construction Safety Team; and

20 (2) promote the appropriate adoption by the  
21 Federal Government, and encourage the appropriate  
22 adoption by other agencies and organizations, of the  
23 recommendations of the National Construction Safe-  
24 ty Team with respect to—



1 (A) technical aspects of evacuation and  
2 emergency response procedures;

3 (B) specific improvements to building  
4 standards, codes, and practices; and

5 (C) other actions needed to help prevent  
6 future building failures.

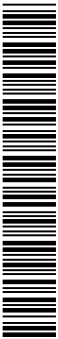
7 **SEC. 11. NATIONAL INSTITUTE OF STANDARDS AND TECH-**  
8 **NOLOGY ANNUAL REPORT.**

9 Not later than February 15 of each year, the Director  
10 shall transmit to the Committee on Science of the House  
11 of Representatives and to the Committee on Commerce,  
12 Science, and Transportation of the Senate a report that  
13 includes—

14 (1) a summary of the investigations conducted  
15 by National Construction Safety Teams during the  
16 prior fiscal year;

17 (2) a summary of recommendations made by  
18 the National Construction Safety Teams in reports  
19 issued under section 9 during the prior fiscal year;  
20 and

21 (3) a description of the actions taken by the  
22 National Institute of Standards and Technology dur-  
23 ing the prior fiscal year in response to reports issued  
24 under section 9.



1 **SEC. 12. ADVISORY COMMITTEE.**

2 (a) ESTABLISHMENT AND FUNCTIONS.—The Direc-  
3 tor, in consultation with the United States Fire Adminis-  
4 tration and other appropriate Federal agencies, shall es-  
5 tablish an advisory committee to advise the Director on  
6 carrying out this Act and to review the procedures devel-  
7 oped under section 2(b)(1) and the reports issued under  
8 section 9.

9 (b) ANNUAL REPORT.—On January 1 of each year,  
10 the advisory committee shall transmit to the Committee  
11 on Science of the House of Representatives and to the  
12 Committee on Commerce, Science, and Transportation of  
13 the Senate a report that includes—

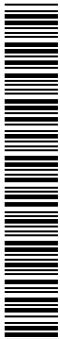
14 (1) an evaluation of National Construction  
15 Safety Team activities, along with recommendations  
16 to improve the operation and effectiveness of Na-  
17 tional Construction Safety Teams; and

18 (2) an assessment of the implementation of the  
19 recommendations of National Construction Safety  
20 Teams and of the advisory committee.

21 (c) DURATION OF ADVISORY COMMITTEE.—Section  
22 14 of the Federal Advisory Committee Act shall not apply  
23 to the advisory committee established under this section.

24 **SEC. 13. ADDITIONAL APPLICABILITY.**

25 The authorities and restrictions applicable under this  
26 Act to the Director and to National Construction Safety



1 Teams shall apply to the activities of the National Insti-  
2 tute of Standards and Technology in response to the at-  
3 tacks of September 11, 2001.

4 **SEC. 14. AMENDMENT.**

5 Section 7 of the National Bureau of Standards Au-  
6 thorization Act for Fiscal Year 1986 (15 U.S.C. 281a)  
7 is amended by inserting “, or from an investigation under  
8 the National Construction Safety Team Act,” after “from  
9 such investigation”.

10 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated to the Na-  
12 tional Institute of Standards and Technology for carrying  
13 out this Act \$25,000,000 for each of the fiscal years 2003  
14 through 2005, to remain available until expended.

